###### National Assembly

###### Question Number: 1293

**1293. Mr B R Topham (DA) to ask the Minister of Transport:**

(a) Why are the provisions of SA National Standards 10216 not being applied equally with regard to the vehicle testing stations in each of the provinces, (b) why have the recommendations by the SA Bureau of Standards Inspectorate of vehicle testing stations been ignored to date, (c) what is his department doing to ensure that these recommendations are complied with, (d) what are the (i) timelines, (ii) milestones and (iii) deadlines in each province, (e) what is being done to ensure that these dates are complied with and (f) who is responsible to ensure that these dates are met?NW1435E

**REPLY:**

(a) In terms of section 40 of the National Road Traffic act, 1996 (Act No. 93 of 1996) read with regulation 136 of the National Road traffic Regulations, 2000 it is the competency of the respective MEC’s responsible for transport to either suspend or cancel the registration of a testing station, if a testing station no longer complies with the requirements for registration. In terms of Regulation 137E the Inspectorate of Testing Stations shall evaluate and inspect as prescribed and make recommendations to the MEC in terms of the compliance or non-compliance of vehicle testing stations in the province. This includes but is not limited to the compliance to SANS 10216. It remains the prerogative of the respective MECs to implement the recommendations of the SABS and the reason for different applications of the recommendations is due to the fact that each MEC may choose to implement according to his or her discretion.

(b) The function of the Inspectorate of Testing Stations is currently performed by the South African Bureau of Standards (SABS). The Inspectorate can only make recommendations to the respective MEC and have no powers to enforce such recommendations. It remains the prerogative of the respective MECs to implement the recommendations of the SABS and the reason for different applications of the recommendations or not implementing at all is due to the fact that each MEC may choose to implement according to his or her discretion. All provinces have replied that the recommendations were adhered to.

(c) The Department is communicating concerns regarding noncompliance at the national forums and via provincial information sessions. This happens on a continuous basis. The Department has further included the development of the Anti-Fraud and Corruption Strategy in its Strategic Plan and Annual Performance Plan. The Department is further striving towards publishing the Minimum Requirements for Service Delivery Standard. Both these initiatives strive to address non-compliance at not only testing stations but also Driving Licence Testing Centres and Registering Authorities. All of the mentioned initiatives involves publication in the Gazette and impact studies. The replies to (d), (e) and (f) are dependent on the relevant MECs of each province and are depicted under the applicable provincial heading below.

**Eastern Cape:**

(d) (i) Upon recommendations by the SABS, Eastern Cape issues a TS4 notice to the contravening vehicle test station in terms of Regulation 136 (1) and (2) NRTA, Act 93 of 1996, and the Promotion of Administrative Justice Act 3 of 2000, requiring the said VTS to report to the MEC in writing within 14 days from the date of the notification, the reason for such failure to comply and details of the measures taken to rectify and prevent such failure. Standards are applied to in terms of the National Road Traffic Act 93/1996

(ii) (iii) The Province follows up with the VTS after the 14 days, and with the SABS to determine if the recommendations have been implemented and findings cleared. If the findings are not cleared, and of a nature that warrants suspension or cancellation, Eastern Cape then issues a TS5 notice to the contravening VTS notifying of the suspension or cancellation of the registration of such VTS, in terms of Regulation 136 NRTA, Act 93 of 1996, and the Promotion of Administrative Justice Act 3 of 2000.

No SABS findings were ignored. All recommendations by the Vehicle Testing Centre were rectified and sent back to SABS.

EC Inspectorate Section is doing a follow up to those recommendations by SABS and most were rectified.

The contravening VTS then has the right to appeal to the Minister of Transport within 21 days of receipt of the notice as per Section 51A NRTA, Act 93 of 1996. If an appeal is lodged with the Minister of Transport within the 21 days, and the Province is notified of such, then the Province waits for the decision of the Minister before implementing the suspension or cancellation.

(e) Inspectorate after the visit SABS should immediately forward copy or Email to the Provincial Inspectorate

(f) Eastern Cape Vehicle Fitness Section

**Free State:**

(d)The Province has started during the 2014-2015 Financial Year to upgrade and calibrate all the vehicle testing equipment at vehicle testing stations in the province.

(i) (ii)The Province reported that 17 stations were upgraded (i.e. Bloemfontein, Trompsburg, Bethlehem, Harrismith, Parys, Heilbron, Sasolburg, Kroonstad, Welkom, Virginia, Wesselsbron, Marquard, Ladybrand, Ficksburg, Odendaalrus, Thaba-Nchu, and Windburg Testing Stations) by the end of the 2016/17 financial year.

(iii) The province endeavors to continue upgrades in the 2017/18 financial year and will further calibrate the equipment of five more stations i.e. Botshabelo, Phuthaditjhaba, Bultfontein, Viljoenskroon and Petrusburg.

(e) The Inspectorate for Vehicle Testing Stations will follow up on the progress reported by the province.

(f) Provincial Monitoring Unit

**Gauteng Province:**

(d) (i) Upon recommendations by the SABS, Gauteng issues a TS4 notice to the contravening vehicle test station in terms of Regulation 136 (1) and (2) NRTA, Act 93 of 1996, and the Promotion of Administrative Justice Act 3 of 2000, requiring the said VTS to report to the MEC in writing within 14 days from the date of the notification, the reason for such failure to comply and details of the measures taken to rectify and prevent such failure.

(ii) The Province follows up with the VTS after the 14 days, and with the SABS to determine if the recommendations have been implemented and findings cleared. If the findings are not cleared, and of a nature that warrants suspension or cancellation, Gauteng then issues a TS5 notice to the contravening VTS notifying of the suspension or cancellation of the registration of such VTS, in terms of Regulation 136 NRTA, Act 93 of 1996, and the Promotion of Administrative Justice Act 3 of 2000. The contravening VTS then has the right to appeal to the Minister of Transport within 21 days of receipt of the notice as per Section 51A NRTA, Act 93 of 1996. If an appeal is lodged with the Minister of Transport within the 21 days, and the Province is notified of such, then the Province implements the decision to suspend or cancel the VTS in question on approval by the Minister

(iii) Addressed in (ii) above

(e)Addressed in (d) above

(f) Gauteng: Vehicle Fitness Section

**KwaZulu-Natal:**

The KwaZulu-Natal Province abides by the prescripts of SANS 10216. The Inspectorate of testing stations, SABS conducts yearly inspections at KwaZulu-Natal Vehicle Testing Stations and provides recommendations in respect of the findings in terms of SANS codes 10216 and deviations are addressed accordingly.

KZN does adhere to the recommendations made by the SABS. Upon receipt of TS4, TS5 recommendations from SABS, notices of intention to cancel or suspend or suspension/cancellation notices, signed by the HOD, are forwarded to the vehicle testing stations. Responses are followed up.

(c) Notices are sent to the vehicle testing stations, responses are dealt with, and SABS is consulted with regarding the responses.

(d) What are the:

(i) The recommendation is received from SABS. The notice is prepared for the HOD’s signature. On receipt of the signed notice, the notice is hand delivered and from the date of delivery, the testing station is given 14 days to respond.

(ii) The KwaZulu-Natal Department of Transport issued twelve (12) TS4 notices on recommendation from SABS, and 1 TS5 notice is in the process of being served. The representations in respect of the TS4 notices are in the process of being reviewed by SABS/Administration, and

(iii) The proprietor is given 14 days to respond.

(e) Monitor and pend for response, follow up on responses.

(f) The KwaZulu-Natal Department of Transport

**Limpopo:**

(d)The province is having number of compliance inspections conducted as one of the indicators in the Annual Performance Plan.

(i) Each and every institution is monitored every six months.

(ii) Compliance reports are received from National Inspectorate, follow-ups are made on implementation of the recommendations.

(iii) Monthly reports are received from the Departmental Inspectors and reports are being made to the respective institutions.

(e)(f) The National Inspectorate of Vehicle Testing Stations makes regular follow ups to ensure that these dates are met.

**Mpumalanga:**

(d) (i) (ii) (iii) Once the testing station report has been received, TS4 is issued to the affected testing station and a response is expected within 14 days. The testing station is given 30 days to put corrective measures.

(e) A follow up inspection is conducted to confirm the corrective measures.

(f) The Senior Manager responsible for Transport Administration and Licensing in the province.

**North West:**

d) The Provincial monitoring unit conducts follow up inspections to ensure the implementation and monitoring of the recommendations as communicated with the stations.

(i) Stations are given 30 days to respond to the recommendations made by the SA Bureau of Standards.

(ii) Non-compliant stations at the time of the inspection, have implemented all recommendations and now operating effectively. Furthermore, the Provincial Inspectorate conducts unannounced inspections to independently confirm that short comings are addressed accordingly.

(iii.) The provincial deadline for the implementation of the recommendations are linked to the SA Bureau of Standards Inspectorate deadline of 30 days.

e) Provincial monitoring unit conducts regular announced and unannounced visits to the Vehicle Testing Stations to ensure strict adherence to the deadlines, and where slow implementation is experienced, immediate intervention is sought with relevant authorities.

f) The Provincial monitoring unit is mandated with the responsibility of ensuring that all recommendations and deadlines thereto are strictly adhered to by relevant stations.

**Northern Cape:**

(d) Follow up letters are submitted to the respective Testing Stations in line with the findings and recommendations of the South African Bureau of Standards where TS4/ TS5 notices were issued.

Follow up visits are conducted to determine whether corrective interventions were taken or not. In the case where no corrective actions are taken the Testing Stations are suspended from operation i.e., De Aar, Victoria West, Kathu, Prieska etc.

Regular follow up visits and hosting of information sessions to ensure a common understanding in respect of the interpretation and application of relevant policies governing the Vehicle Testing Station environment.

(i) Quarterly

(ii) Follow up visits are done on Quarterly basis to ensure implementation plans are adhere to.

(iii) Testing Stations are given 14 (fourteen) days to comply in terms of Regulation 136 of the National Road Traffic Act, (Act. 93 of 1996).

 (e) Regular follow ups in writing, telephonically and meetings with Municipal Managers/ Testing Station Proprietors.

(f) The Provincial Monitoring Unit.

**Western Cape:**

 (d) Findings raised in reports that are provided to the Department are formally brought to the attention of the VTSs and followed up until rectified:

(i) as soon as the report is received with feedback due to the Department within 21 days (ii) milestones and corrected finding

(iii) reported immediately for a response within 21 days,

(e) The Section Vehicle Regulation and Standards Unit and the Compliance Monitoring Unit do follow up inspections.

(f) The Section Vehicle Regulation and Standards Unit and the Compliance Monitoring Unit